

REMARKS

Applicants hereby add new claims 30-31. Accordingly, claims 1-31 are pending in the present application.

Claims 1-29 stand rejected under 35 USC 102(b) for anticipation over U.S. Patent No 6,310,966 to Dulude et al.

Applicants respectfully traverse the rejections and urge allowance of the present application.

For a proper anticipation rejection, MPEP 2131 provides a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In addition, the claim elements must be arranged as required by the claim for a proper anticipation rejection. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Referring initially to claim 1, the Examiner recites reference 66 as disclosing a database. Col. 5, lines 15-25 of Dulude disclose reference 66 as a memory storing a biometric database which is built using a registration process in which individuals are required to provide proof of identity. Col. 6, lines 42-57 of Dulude provide that memory 66 may receive user ID data to retrieve a biometric certificate for the user and if no corresponding prestored biometric certificate is stored in memory 66 then the user is not authenticated for the desired transaction. Accordingly, memory 66 merely provides a database which comprises a repository of certificates which may be used to authenticate registered users.

The teachings of Dulude fail to disclose or suggest limitations as required by claim 1 and claim 1 is allowable for at least this reason. For example, claim 1 specifies that the processing circuitry is configured to provide a *first hash from digital data stored within a portion of the dynamic*

database at an initial moment in time and to provide a second hash from digital data stored within the portion of the dynamic database at a subsequent moment in time. The processing circuitry is further defined as being configured to compare the first hash and the second hash.

On the other hand, Dulude only compares a first hash value which is incorporated into the digital signature 58 per Fig. 5 and col. 7, lines 1-3 of Dulude (and received via network 60) with the second hash value which is clearly derived only from transaction biometric data 46 and transaction first data 50 which are both received from the user via network 60 as set forth in col. 7, lines 7-13 of Dulude. Dulude fails to teach or suggest provision of any *hash from digital data stored within a database* or *comparison of first and second hash values provided from digital data stored within a dynamic database* as claimed and claim 1 is allowable for at least this reason.

Further, claim 1 requires comparison of the first and second hash values using digital data provided from the same portion of the dynamic database at different moments in time. Dulude not only fails to disclose or suggest comparison of plural hashes provided using digital data from a database but also fails to disclose or suggest comparison of plural hashes using digital data from the same portion of the database at different moments in time as defined by claim 1. Claim 1 recites limitations which are not disclosed nor suggested by Dulude and claim 1 is allowable for at least this reason.

Further, references 86, 88, 90 of Dulude identified in the Office Action as disclosing means for comparing/evaluating do not operate to compare a first hash and second hash as claimed.

Dulude uses memory 66 for authentication purposes to authenticate previously registered users. Dulude is not directed to or concerned with comparison of plural hashes provided using data from a database as claimed. Claim 1 is allowable over Dulude for at least the above compelling reasons and action to that end is respectfully requested.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 5, the Office Action at page 2 identifies reference 58 as allegedly disclosing the claimed digital signature. However, digital signature 58 is generated in Fig. 4 of Dulude and is thereafter applied to decryptor 76 of Fig. 5. As shown in Fig. 5, there is no teaching or suggestion of storage of the digital signature in storage circuitry used to store digital data from which a hash is derived. Accordingly, Dulude fails to disclose or suggest the claimed *storage circuitry configured to store digital data and the digital signature* as recited in claim 5 and claim 5 is allowable for at least this reason.

Further, Dulude fails to teach or suggest the claimed processing circuitry configured to compare *a first hash provided from the digital signature with a second hash provided from digital data stored within the storage circuitry also used to store the digital signature* as defined. Dulude fails to teach or suggest limitations arranged as defined in claim 5 and claim 5 is allowable for at least this compelling reason.

The claims which depend from independent claim 5 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to claim 6, it is further recited that the digital data of the digital signature used to provide the first hash is stored within a portion of the storage circuitry at the initial moment in time and the data stored within the storage circuitry at the subsequent moment in time and used to provide the second hash is *stored within the portion of the storage circuitry*. Dulude is void of teaching or suggesting *comparison of plural hashes provided from digital data stored within the*

same portion of the storage circuitry at different moments in time as claimed. Claim 6 is allowable for this additional reason.

Dependent claim 10 provides that the processing circuitry is configured to store *query information regarding storage of the digital data at the initial moment in time and to use the query information to retrieve the digital data stored within the storage circuitry at the subsequent moment in time*. Dulude is not concerned with retrieval of data from storage circuitry at different moments in time for comparison purposes and fails to disclose or suggest the claimed storage or usage of query information as recited in claim 10. Claim 10 is allowable for this additional reason and Applicants request clarification of any rejection of claim 10 in a non-final Action with identification of the teachings of the prior art relied upon as allegedly disclosing the query information so Applicants may appropriately respond during the prosecution of this application.

Referring to claim 11, Dulude at Fig. 5 and the associated specification teachings discloses the first hash value being provided from a digital signature received from network 60 and the second hash value being provided from transaction first data and transaction biometric data also received from the network. Dulude is void of teaching or suggesting *processing circuitry configured to compare the claimed first and second hash values corresponding to digital data stored within storage circuitry at initial and subsequent moments in time* as positively recited in claim 11. Dulude fails to teach or suggest limitations arranged as defined by claim 11 and claim 11 is allowable for at least this reason. The claims which depend from independent claim 11 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 18, the recited digital data *storage system* comprises a snapshot database configured to store a snapshot of *data retrieved from at least one table of a dynamic database at an*

initial moment in time and an approval database configured to store a digital signature of the snapshot. Claim 18 also recites a client configured to provide and compare first and second hashes provided from the snapshot and the digital signature. Dulude teaches comparison of hashes from information inputted by a user and communicated over a network and fails to teach or suggest provision or comparison of hashes from data stored within a dynamic database as claimed and claim 18 is allowable for at least this reason.

Claim 18 further recites *providing a third hash from data stored within the at least one table of the dynamic database at a subsequent moment in time and to compare the second and the third hashes*. Accordingly, claim 18 recites comparison of hashes provided from the same table of the dynamic database at different moments in time. Initially, Dulude fails to disclose or suggest *a third hash or comparison of the third hash with a second hash which is also compared with a first hash*. Fig. 5 and the specification teachings of Dulude clearly disclose first and second hashes generated from user entered data communicated over a network. The Office on page 2 of the Action identifies a cert. authority as allegedly teaching a third hash with no explanation or support in the prior art. Applicants respectfully submit that the cert. authority of Dulude fails to teach or suggest a third hash or comparison of a third hash with a second hash as claimed. Positively-recited limitations of claim 18 are not shown nor suggested by Dulude and Applicants respectfully request that the Office submit an affidavit in support of the rejection of claim 18 with respect to the limitations of a third hash, or identification of specific teachings of the art which are considered to disclose a third hash or comparison of the third hash with a second hash as claimed.

Claim 18 is allowable for the above-recited numerous reasons.

Referring to claim 19, Dulude fails to teach or suggest the claimed *providing of a first hash and second hash of digital data within a dynamic database at initial and subsequent moments in time*

or comparison of the first hash and the second hash. The database of Fig. 5 includes a certificate corresponding to user ID data for authentication and Dulude fails to teach or suggest the database stores data at initial and subsequent moments in time in combination with the claimed providing and comparison of the first and second hashes from the data within the database at the initial and subsequent moments in time. Limitations of claim 19 are not disclosed nor suggested by the prior art and claim 19 is allowable for at least this reason.

The claims which depend from independent claim 19 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 26, Dulude fails to disclose or suggest providing a first hash of digital data stored at an initial moment in time within a portion of a dynamic database using a digital signature as claimed. Dulude fails to disclose or suggest providing a second hash of the digital data stored at the initial moment in time using a static form stored within a static database as claimed. Dulude further fails to disclose or suggest providing a *third hash of digital data stored within the portion of the dynamic database at a subsequent moment in time* or the claimed comparings of the first and the second hashes and the first and third hashes as claimed. Numerous limitations of claim 26 are not shown nor suggested by the prior art and claim 26 is allowable.

The claims which depend from independent claim 26 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification *in a non-final action* of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R §1.104(c)(2). In

particular, 37 C.F.R. §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific references teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if any claims are not found to be allowable.

Applicants have amended the specification as indicated above and hereby add new claims 30-31 which are supported at least by Figs. 1 and 2 and the associated specification teachings of the originally-filed application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

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